

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TQ DELTA, LLC,

*Plaintiff,*

v.

COMMScope HOLDING COMPANY,  
INC., et al.,

*Defendants.*

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CIVIL ACTION NO. 2:21-CV-00310-JRG

**ORDER**

Before the Court is the Joint Motion for Approval of Escrow Payments to the Court’s Registry and Stay of Execution of Judgment (the “Motion”) filed by Plaintiff TQ Delta, LLC (“Plaintiff” or “TQ Delta”) and Defendants CommScope Holding Company, Inc., CommScope, Inc., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., ARRIS Enterprises, LLC (“Defendants” and collectively with Plaintiff, the “Parties”). (Dkt. No. 583.) In the Motion, the Parties “request that the Court approve [an] escrow payment schedule and, in accordance therewith, stay any enforcement of the Court’s May 3, 2023 Final Judgment in this action pending disposition of the Parties’ pending appeals.” (*Id.* at 1.)

Having considered the Motion, and noting its joint nature, the Court finds that it should be and hereby is **GRANTED**. Accordingly, the Court hereby **ORDERS** as follows:

- a. Vantiva SA (“Vantiva”), on behalf of Defendants, shall deposit an amount equal to the damages verdict plus the bill of costs award—i.e., \$11,371,208.25—into the Registry of the Court (“First Deposit”) on or before May 3, 2024.
- b. The deadline for Defendants to file an opposition to TQ Delta’s Motion for Issuance of Writ of Execution Against CommScope Defendants (Dkt. No. 581, “Writ Motion”), if any,

is extended from April 24, 2024 to May 6, 2024. Defendants shall not seek any extension for the opposition beyond May 6, 2024.


- c. If the First Deposit is made into the Registry on or before May 3, 2024, within five (5) business days thereafter, the Parties shall file a further Joint Motion asking the Court to resolve the Parties' disputes concerning the appropriate amount of the prejudgment interest and the total amount of funds that will go into the Registry consistent with Local Rule CV-62. The second Joint Motion will be limited to twelve pages (not counting exhibits). Each side will get six pages to state their positions, and there will be no further briefing unless requested by the Court. In order to facilitate the joint briefing process, each party will deliver to each other a first draft of their portion of the joint brief by 6:00 pm CT on the third business day after the First Deposit is made. The Defendants agree not to seek an extension for the filing of the second Joint Motion.
- d. If the First Deposit is made into the Registry on or before May 3, 2024, within two (2) business days thereafter, TQ Delta will withdraw its pending Writ Motion without prejudice to refiling.
- e. Within five (5) business days after the Court has decided, per subparagraph c. above, the appropriate amount of prejudgment interest and the total amount of funds to be held in the Registry consistent with Local Rule CV-62, Vantiva, on behalf of Defendants, shall deposit an additional amount ("Second Deposit") equal to the difference between the amount of the First Deposit and the total amount of funds that the Court finds should be held in the Registry.

- f. Vantiva, on behalf of Defendants, shall pay all fees and costs, if any, relating to the Registry's handling of the funds relating to this case that may be imposed by the Court or any entity responsible for managing the Registry.
- g. No stay of execution of the May 3, 2023 Final Judgment shall be in place until after both the First and Second Deposits have been deposited with the Registry.
- h. Defendants shall file a notice no later than one (1) business day after the receipt of the First Deposit and Second Deposit by the Registry.

Nothing in this order shall be interpreted to prevent Plaintiff from seeking the full amount of the judgment (as determined by the Court) from any or all of the named Defendants in the event that it is unable to collect the full amount of the judgment from the Registry if and when it is entitled to do so after final resolution of the Parties' appeals before the Federal Circuit.

The Court further **ORDERS** that execution of the May 3, 2023 Final Judgment shall be stayed pending final resolution of the Parties' appeals before the Federal Circuit, effective on the day that Defendants file a notice confirming receipt of the First and Second Deposits by the Registry. The Parties shall submit a joint status update to the Court within fourteen (14) days of final resolution of the Parties' appeals.

**So ORDERED and SIGNED this 26th day of April, 2024.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE